

CITY OF MUSKEGON
ZONING BOARD OF APPEALS
REGULAR MEETING

DATE OF MEETING: Tuesday, September 14, 2021
TIME OF MEETING: 4:00 p.m.
PLACE OF MEETING: Commission Chambers, First Floor, Muskegon City Hall

AGENDA

- I. Roll Call
- II. Approval of Minutes of the Regular Meeting of August 19, 2021.
- III. Public Hearings
 - A. Hearing; Case 2021-04: Request for a variance from Section 2334 of the zoning ordinance to allow for off-premise signage at 1812 Lakeshore Drive, by Christine Mattson.
 - B. Hearing; Case 2021-05: Request for a variance from Section 2310 of the zoning ordinance to allow electrical lines to be buried on a steep slope at 3561 Woodlawn Court, by Bruce Meyer.
- IV. New Business
- V. Old Business
- VI. Other
- VII. Adjourn

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CITY COMMISSION AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES

The City of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities who want to attend the meeting, upon twenty-four hour notice to the City of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the City of Muskegon by writing or calling the following:

Ann Marie Cummings, City Clerk
933 Terrace Street
Muskegon, MI 49440
(231) 724-6705

TTY/TDD: Dial 7-1-1 and request that a representative dial 231-724-6705

CITY OF MUSKEGON
ZONING BOARD OF APPEALS
STAFF REPORT

Tuesday, September 14, 2021

Hearing; Case 2021-04: Request for a variance from Section 2334 of the zoning ordinance to allow for off-premise signage at 1812 Lakeshore Drive, by Christine Mattson.

SUMMARY

1. Section 2334.4 of the zoning ordinance prohibits off-premise signage. Businesses may not have signage on other properties, other than billboards.
2. The applicant is seeking a variance to allow the names of other businesses in Lakeside to be able to be painted on the new mural on the building at 1812 Lakeshore Dr.
3. This mural will be visible to tourists exiting the Cross Lake Ferry property.
4. Please see the responses below to page two of the application.
5. Notice was sent to properties within 300 feet of the property. At the time of this writing, staff had not received any comments.

Proposed Signage on Mural



Zoning Map



Aerial Map



VARIANCE REVIEW STANDARDS

Questions to consider when reviewing a variance request:

- a. Are there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or class of uses in the same zoning district?
- b. Is the dimensional variance necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity?
- c. Will the authorizing of such dimensional variance be of substantial detriment to adjacent properties?
- d. Is the alleged difficulty caused by the ordinance and not by any person presently having an interest in the property, or by any previous owner?
- e. Is the alleged difficulty founded solely upon the opportunity to make the property more profitable or to reduce expense to the owner?
- f. Is the requested variance the minimum action required to eliminate the difficulty?

DETERMINATION:

The following motion is offered for consideration:

I move that that the request for a variance from Section 2334 of the zoning ordinance to allow for off-premise signage at 1812 Lakeshore Drive be (approved/denied) based on the review standards in Section 2502 of the Zoning Ordinance.

City of Muskegon Planning & Zoning Application
These questions are ONLY for Zoning Board of Appeals requests

1. Why should your property be unique compared to others in the neighborhood?

The property in question is on a busy street from downtown Muskegon to Pere Marquette beach that has many tourists driving, walking and riding bikes by.

2. What property rights do your neighbors enjoy that you can't because of the nature of your property?

Nothing. This is a commercial property that did not have any visual aesthetics.

3. Will granting a variance to you negatively affect your neighbors or the public?

Absolutely not. Quite the opposite.

4. Who or what is the cause of the difficulty with the current ordinance?

No one, nothing. We just want to help local businesses.

5. Do you have reasons, other than financial gain, for asking for the variance?

To help get more tourists to local businesses. We will not financially gain from this project.

6. Could you get by with less of a variance from the ordinance requirement(s)?

We'd like to get at least 13 local business names painted. Whatever we need to do that.

7. Will this variance alter the essential character of the area?

We hope so, for the better.

8. Is your preferred property use specifically mentioned in the ordinance as not being allowed in your zoning district?

Yes

Hearing; Case 2021-05: Request for a variance from Section 2310 of the zoning ordinance to allow electrical lines to be buried on a steep slope at 3561 Woodlawn Court, by Bruce Meyer.

SUMMARY

1. This property is located in a critical dune and must follow the regulations in section 2310 (critical dunes) of the zoning ordinance.
2. The critical dune ordinance prohibits (unless a variance is granted) a use on a slope within a critical dune area that has a slope steeper than a 1-foot vertical rise in a 3-foot horizontal plane.
3. The slope of the dune in this area is greater than a 1-foot vertical rise in a 3-foot horizontal plane.
4. Please see the responses below to page two of the application.
5. Notice was sent to properties within 300 feet of the property. At the time of this writing, staff had not received any comments.

Electrical Wires and Dune at 3561 Woodlawn Ct



Zoning Map



Aerial Map



City of Muskegon Planning & Zoning Application
These questions are ONLY for Zoning Board of Appeals requests

1. Why should your property be unique compared to others in the neighborhood?

IT IS ON A SMALL HILL OR DUNE WITH DUNE GRASS

2. What property rights do your neighbors enjoy that you can't because of the nature of your property?

NONE AS WE BOTH HAVE ACCESS TO ROADWAY GOING AROUND OUR DUNE.

3. Will granting a variance to you negatively affect your neighbors or the public?

NO, AS THERE WILL BE NO MAJOR CHANGES TO THE LANDSCAPE.

4. Who or what is the cause of the difficulty with the current ordinance?

AS WE NEED AN UPGRADE TO OUR ELECTRIC SERVICE, WE DECIDED ON THE UNDERGROUND OPTION TO GO WITH THE WIRES THAT CONSUMERS SUGGESTED.

5. Do you have reasons, other than financial gain, for asking for the variance?

NO FINANCIAL GAIN AT ALL, JUST AN IMPROVEMENT IN APPEARANCE TO HIDE THE OVERHEAD WIRES.

6. Could you get by with less of a variance from the ordinance requirement(s)?

PERHAPS, I'M NOT SURE OF THE WORDING IN THE ORDINANCE.

7. Will this variance alter the essential character of the area?

NO, THE CHANGES WOULD BEAUTIFY THE AREA BY PUTTING THE WIRES OUT OF SIGHT.

8. Is your preferred property use specifically mentioned in the ordinance as not being allowed in your zoning district?

NO, BUT IT SHOULD BE DOPLICATED TO HIDE ALL OVERHEAD WIRES ALL ALONG BEACH STREET.

DETERMINATION:

The following motion is offered for consideration:

I move that that the request for a variance from Section 2310 of the zoning ordinance to allow electrical lines to be buried on a steep slope at 3561 Woodlawn Court be (approved/denied) based on the review standards in Section 2502 of the Zoning Ordinance.